



Austin City Council MINUTES

JUNE 17, 1993

Mayor Todd called to order the meeting of the Council, noting the presence of all members.

APPROVAL OF MINUTES

1. Approval of Minutes for Regular Meeting of June 10, 1993 and Special Meetings of June 7, 8, 9, and 10, 1993

Minutes not ready, computer down most of the week.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Marilyn Monroe, to extend an invitation to Council members to attend the Texas Society of Association Executives Convention to be held in Austin on June 24-27, 1993.
3. Mr. Richard Trachtenberg, to welcome the new Council.
4. Mr. Henry Ratliff, to discuss "Is this Council agenda adequate."
5. Mr. Robert Thomas, to discuss "why we cannot get employment at the Rosewood Recreation Center as black athletes from the NFL, and defense for our coalition of minority contractors in contribution of decontaminating the contaminated Rosewood Recreation Center; to discuss termination of Heitz, Sopranyi and Priestly if the project is not completed or in progression."
6. Mr. Leonard Lyons, to discuss "Snow White still has five of her dwarfs to carry her water."
7. Mr. Lance Winters, to welcome Jackie Goodman and Brigid Shea to the City Council and to introduce CAFABA, Citizen Advocates For A Better Austin.
8. Ms. Charlene Shillman, to discuss City consideration of a loan of \$300,000 to the Museum of Fine Arts, Austin for a three year lease and build out, along with all operational costs, in lieu of \$837,000 loan to ACAP, whom are in violation of the City Charter, Ethics Ordinance, and have vast conflict of interest.
9. Ms. Lani Jane Stacks, to discuss animal control.

ORDINANCES

10. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as N. IH-35 and W. Dessau Road, Case no. C14-93-0047, from "SF-2", Single Family Residence (standard lot) to "GR-CO" Community Commercial-Conditional Overlay, and "CS-CO", Commercial Services-Conditional Overlay, DON BARR, by L.H. Layne Co. (Len Layne). First reading on May 6, 1993; Vote 6-0, Councilmember Nofziger absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9000-9200 Wall Street, Case No. C14-92-0144, from "I-RR", Interim Rural Residence to "LI-CO", Limited Industrial Services-Conditional Overlay, REALTY ALLIANCE OF TEXAS (Mike Alexander), by Cunningham, Coneway & Allen (Robert S. Allen). First reading on February 4, 1993; Vote 6-0, Councilmember Nofziger absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Street deed has been executed.
12. Authorize acceptance of \$74,008 in grant funds from the Texas Department of Health, Tuberculosis (TB) Elimination Division, for TB outreach and treatment activities; amend Ordinance 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$74,008 and authorizing 2.0 grant funded full-time equivalents.
13. Amend Ordinance No. 920922-E, the 1992-93 operating budget to transfer \$75,000 from the General Fund Contingency Reserve; appropriate \$75,000 to the Department of Law for the Thompson & Knight legal services contract and to pay Joe Milner and Tom Reavley for mediation services regarding the proposed development agreement. (Related to Item 47 & 48.)

RESOLUTIONS

14. Approve negotiation and execution of a contract between the City of Austin, Travis County, the Travis County Health Facilities Development Corporation, and the Daughters of Charity Health Services of Austin for the provision of health care services to Medical Assistance Program and Rural Medical Assistance Program clients for the period of July 1, 1993 to June 30, 1994, with four (4) twelve (12) month renewal options. (No fiscal impact.)
15. Approve an Interlocal Agreement with the University of Texas for the investigation of alternative methods for the rehabilitation of wastewater collection networks via spot repairs. (Funding in the amount of \$25,000 is available in the 1992-93 Special Revenue Fund

of the Water and Wastewater Utility through a grant from the Environmental Protection Agency; \$25,000 is included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission.)

16. Authorize negotiation and execution of amendments to the professional services agreements with ABBE/GARRETT ENGINEERING, INC., Austin, Texas; BAKER-AICKLEN AND ASSOCIATES, INC., Austin, Texas; and BURY AND PITTMAN, INC., Austin, Texas, for additional services for design and assistance during construction of water and wastewater system improvements to provide service to annexed areas, in the amount of \$100,000, for total amount of \$2,910,570.63. (Funding is included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) M/WBE Subcontractor participation: Abbe/Garrett Engineering, Inc.: 0% MBE, 4% WBE; Bury and Pittman, Inc.: 4.29% MBE, 0% WBE; Baker-Aicklen Associates, Inc.: 0%. (Recommended by Water and Wastewater Commission.)
17. Approve a HOME Program Reconstruction Loan to Ms. Odessa Powell Jackson, for reconstruction of a one-story single-family dwelling at 7604 Providence in the St. John's target neighborhood, in an amount not to exceed \$39,500. (Funding is available in HOME Year 1 Grant funds.) (Recommended by Housing Subcommittee.)

#10-17 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

ELECTRIC UTILITY (Items 18-32)

18. Electric Utility Commission Report - Report was given by Charles Galvin Jr., Commission member.
19. Monthly Management Report - John Moore, Director of Electric Utility, reported.
20. Monthly Utility Receivables Report - Charles Curry, Budget Officer, gave the report.
21. Holly Power Plant Report - John Moore reported to Council.
22. Approve execution of a revenue producing contract with G & S Technologies, Kearney, New Jersey, for the sale of a damaged autotransformer, in the amount of \$56,613.18. High bid of three (3). No M/WBE Subcontracting opportunities were identified.
23. Approve execution of a contract with INIVEN, Somerville, New Jersey, for the purchase of transmission line audio signal sets used to transmit and receive signals between the Holly Power Plant, Burleson, Koenig Lane, Harris and Brackenridge electric substations, in the amount of \$82,824. (Funding is included in the 1991-92

Capital Budget for the Electric Utility Department.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

24. Approve execution of a contract with OMNI MATERIAL HANDLING, Austin, Texas, for the purchase of four (4) electric powered fork-lifts used to load and unload materials stocked at warehouses, in the amount of \$63,599.96. (Funding is included in the 1992-93 Capital Budget for the Electric Utility.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
25. Approve additional funding authority for two existing environmental engineering service agreements with RADIAN CORPORATION, Austin, Texas; and BURNS & MCDONNELL, INC., Austin, Texas, in the amount of \$320,000, for a total contract amount not to exceed \$1,820,000. (Funding in the amount of \$195,000 is available in the 1992-93 operating budget for the Electric Utility; funding in the amount of \$125,000 is available in the 1992-93 Capital Budget for the Electric Utility.) 10% MBE, 5% WBE Subcontractor participation.

#22-25 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

26. Approve execution of a contract award to CAJUN CONTRACTORS, INC., Baton Rouge, Louisiana, for construction of the Decker Creek Power Plant Intake Canal System used to cool generating plants, in the amount of \$2,649,000, with \$662,250 as a contingency fund to be used for change orders, for a total amount not to exceed \$3,311,250. (Funding included in the 1992-93 Capital Budget for the Electric Utility Department.) Low bid of five (5). 10.16% MBE, .1% WBE Subcontractor participation.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

27. Approve execution of a contract with GENERAL ELECTRIC COMPANY, San Antonio, Texas, for the purchase of transmission line protective relay equipment, in the amount of \$63,993. (Funding included in the 1991-92 Capital Budget for the Electric Utility Department.) Low responsive bid of three (3). No M/WBE Subcontracting opportunities were identified.
28. Approve execution of a contract with POWER STRUCTURES, INC., Austin, Texas, for the purchase of steel transmission line structures, in the amount of \$1,840,004. (Funding included in the 1991-92 Capital Budget for the Electric Utility.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
29. Approve execution of a contract with INGERSOLL DRESSER PUMP COMPANY, Houston, Texas, for the repair of the Decker Unit 2 main and starter feed pump element, in the amount of \$134,187. (Funding is available

in the 1992-93 operating budget of the Electric Utility.) Sole Source. No M/WBE Subcontracting opportunities were identified.

30. Approve execution of a contract with SHERMAN UTILITY STRUCTURE, Bellville, Texas, for the purchase of sixty-seven (67) pre-stressed concrete transmission line structures for a new 138KV transmission line from Lytton Springs Substation to Slaughter Lane Substation, in the amount of \$302,177. (Funding was included in the 1991-92 Capital Budget for the Electric Utility.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified.

#27-30 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

31. Approve a construction contract award to INTERNATIONAL CHIMNEY CORPORATION, Joliet, Illinois, for structural platforms to facilitate continuous emission monitoring systems for Holly and Decker Power Plants, in the amount of \$272,430. (Funding is included in the 1992-93 Capital Budget for the Electric Utility Department.) Low bid of three (3). 2.65% MBE, 0% WBE Subcontractor participation. (Related to Item 32)

On Councilmember Shea's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

32. Approve execution of a contract with COLUMBIA SCIENTIFIC INDUSTRIES CORPORATION, Austin, Texas, for the purchase of continuous emissions monitoring system equipment for the Holly Street and Decker Creek Power Plants, in the amount of \$1,358,550. (Funding is included in the 1992-93 Capital Budget for the Electric Utility Department.) Best proposal of four (4). No M/WBE Subcontracting opportunities were identified. (Related to Item 31)

On Councilmember Shea's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

ITEMS FROM COUNCIL

33. Discussion of south Austin Outfall Phase II, C.I.P. 443-237-0749, and possible direction to City Manager regarding future construction, possible design changes and related matters. (Councilmembers Michael "Max" Nofziger and Gus Garcia)

Councilmember Nofziger stated there were four options for the South Austin Outfall: I. Proceed with construction of a 48" line; II. Redesign to 42" line; III. Redesign to 36" line; IV. Interim Alternative.

Motion

Councilmember Nofziger made a motion, seconded by Councilmember Goodman to direct the City Manager to develop Options III and IV and schedule for the Executive Session on July 1, 1993 and bring item to Council on July 1, 1993; and directed that no more money will be spent until decision is made.

Option III - Redesign to 36" line - serves City limits and potentially the Terrace; provides 10% more capacity than existing lift station; assumes Lost Creek to Williamson Creek, Wilderness Park purchases, and downsizing of all undeveloped properties to S05 Standard; estimated cost \$3,150,000.

Option IV - Interim Alternative - Renovate the system as follows: parallel existing 24" east of Barton Creek to eliminate surcharging, eliminate Zilker Park Lift Station, install backup power generator at Barton Creek Lift Station, renovate Barton Creek Lift Station, test and inspect force main. - Cancel the construction contract, initiate a zoning and service area study regarding the South Austin Outfall Service Area, develop recommendation of an alternative wastewater utility service by Water and Wastewater, for an estimated cost of \$1,200,000.

Motion to Amend

Councilmember Shea offered a motion to amend the motion to direct staff to simply consider Option IV. The maker and second accepted the amended motion, which passed by a vote of 5-2 with Councilmember Reynolds and Mayor Pro Tem Urdy voting No.

34. Approve a resolution establishing a Charter Revision Committee composed of fifteen (15) members. (Mayor Bruce Todd and Councilmember Gus Garcia) Appointments will be made at the July 1, 1993 Council meeting.
35. Authorize negotiation and execution of a Temporary Trackage Use Agreement between Capital Metro, the City of Austin and the Austin Steam Train Association, Inc., to bring the steam train to the Convention Center on June 25, 1993, during the Texas Society of Association Executives Convention. (Councilmember Ronney Reynolds)
36. Direct the City Manager to develop the concept of a youth apprenticeship program. (Mayor Bruce Todd and Councilmember Shea)

#34-36 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

37. C14-93-0038 - FRANKLIN FEDERAL BANCORP. (Vera D. Massaro), by Minter, Joseph & Thornhill (Glen Weichert), 6403 to 6511 Sanderson Avenue. From MF-2 to GR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, zoning for the Franklin Tract (C14-93-0038) including the additional conditions of nos. 2, 4, 5, 6, and 9 of the Westcreek Neighborhood Association letter dated May 10, 1993: (2) Development on the combined tracts will not exceed .21 FAR; (4) Permit erection of a six foot tall solid concrete, cinder block, or other masonry fence on top of a two foot earthen berm on the 75 foot setback line from the Westcreek Neighborhood properties with native vegetation on the Westcreek Neighborhood side. This fence is to define the 75 foot buffer zone between the development and the neighborhood and the fence shall have no breaks to allow for pedestrian traffic to enter the buffer zone from the development; (5) Sanderson will be vacated at the southernmost section of Westcreek while allowing for the building of a new cul-de-sac south of this boundary for school bus turnaround; (6) No vehicular access will be allowed from Sanderson Avenue to the development; (9) There will be a minimum of 175 feet building setback on the Franklin Tract; and prohibition of the following uses: (1) Arts and Crafts (limited), and (2) Service Station. (Public Hearing Closed on May 27, 1993 - No Citizen Sign-up.)

Postponed to July 1, 1993 on applicant's request, Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0-2 Vote, Councilmembers Goodman and Reynolds abstained, due to conflict of interest.

FINAL CITIZEN COMMUNICATIONS

Robert Singleton, Al St. Louis, Jeffrey Richardson and Lavon Wood.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

38. 4:30 P.M. - Amend provisions of the Land Development Code which relate to insurance requirements for private contractors working within public right-of-way. (Recommended by Planning Commission.)

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, closed the public hearing and approved. 6-0 Vote, Councilmember Shea out of the room.

RECESS - The Council, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, voted to recess to 5:20 P.M. 5-0 Vote, Councilmembers Shea and Reynolds out of the room.

39. 5:00 P.M. - Amend the Austin City Code, Section 13-8-3 of the Building Code Appendix to change the official effective date of the recently revised Flood Insurance Rate Maps to June 16, 1993.

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, closed the public hearing and approved, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

40. 5:30 P.M. - Amend the City Code, Section 10-1-19 - Glass Containers, by adding the area bounded by the south curb of Martin Luther King Blvd., the east curb of Guadalupe Street, the north curb of West 29th Street, and the west curb of Rio Grande Street, as a new area where glass containers are prohibited. (Economic Development Subcommittee)

The Council, on Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, closed the public hearing and approved, 7-0 Vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held on the morning of this date in the Mayor's office.

Pending Litigation - Section 2, Paragraph e

41. Jerry J. Quick, et al v. City of Austin; Cause No. 92-0637; 22nd District Court of Hays County, Texas.
42. Maple Run at Austin Municipal Utility District v. City of Austin; Cause No. 93-04858; 331st District Court of Travis County, Texas.
43. One Austin Capital Group, Inc., et al v. City of Austin; Texas Water Commission Appeal of S.O.S. Ordinance.
44. Rachel Warren Cywinski v. Louise Epstein; 126th Judicial District Court of Travis County, Texas; Cause No. 92-11842.

No discussion.

Advice From Counsel - Section 2, Paragraph e

45. Discuss status of mediation of a proposed development agreement with Freeport McMoran regarding the Barton Creek Properties Development.

ACTION ON THE FOLLOWING

46. Consider legal representation by City Attorney in Rachel Warren Cywinski v. Louise Epstein

Pulled off agenda.

47. Approve an agreement in the amount of \$47,343 with the law firm of Thompson & Knight for legal services in connection with the mediation of a proposed development agreement between the City of Austin and Freeport McMoran regarding the Barton Creek Properties Development. (Related to Item 13)
48. Approve mediation fees in the amount of \$27,657 for Barton Creek Properties proposal.

#47-48 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

6:00 P.M. - ADJOURN - On Councilmember Reynolds' motion, Councilmember Shea's second, 7-0 Vote.

